

1 [List of Counsel Appears on Last Pages]

2 \*E-FILED 12/5/06\*

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA

12 Plaintiff/Counterclaim Defendant,

13 v.

14 MICRO THERAPEUTICS, INC., a Delaware  
15 corporation, and DENDRON GmbH

16 Defendants/Counterclaim and Third Party  
17 Plaintiffs,

18 v.

19 BOSTON SCIENTIFIC CORPORATION and  
TARGET THERAPEUTICS, INC.

20 Third Party Defendants.

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22 Case No: C03-05669 JW (RS)

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**ADDENDUM TO STIPULATED AMENDED  
PROTECTIVE ORDER**

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28 Third Party Cordis Neurovascular, Inc. ("Cordis") has been requested to authorize the  
production by Boston Scientific Corporation and Target Therapeutics, Inc. of an unredacted version  
of the Pampinella expert report, any supplemental report thereto, the Elsten expert report, and any  
supplemental report thereto, from the *Boston Scientific Corp. et al. v. Cordis Corporation* case  
(Case No. 02-1474) ("the *Cordis* action"). As currently produced in this matter, the redactions to  
the Pampinella report contain information designated confidential by Cordis under a Protective  
Order entered in the *Cordis* action. The Elsten expert and supplemental expert reports have not yet

1 been produced because they also contain information designated confidential by Cordis. Cordis  
 2 hereby authorizes production of an unredacted version of the Pampinella report, any supplemental  
 3 report thereto, the Elsten report, and any supplemental report thereto, in accordance with paragraph  
 4 17 of the Stipulated Amended Protective Order in this action. The parties agree to treat the  
 5 information designated confidential by Cordis contained in the Pampinella report, any supplemental  
 6 report thereto, the Elsten expert report, and any supplemental report thereto, in conformance with  
 7 the provisions of the Stipulated Amended Protective Order, except as modified below.

8       1.     Cordis may designate those portions of the Pampinella expert report, any  
 9 supplemental report thereto, the Elsten expert report, and any supplemental report thereto,  
 10 containing Cordis confidential information as CONFIDENTIAL pursuant to the Stipulated  
 11 Amended Protective Order.

12       2.     “Qualified Persons” having access to portions of the Pampinella report, any  
 13 supplemental report thereto, the Elsten expert report, and any supplemental report thereto,  
 14 designated Confidential by Cordis in this action, include those individuals and entities listed in  
 15 subparagraphs (a) – (d) and (f) – (i) of Paragraph 5 of the Stipulated Amended Protective Order.  
 16 The individuals listed in sub-paragraph 5(e) of the Stipulated Protective Order shall not have access  
 17 to materials designated as Confidential by Cordis Corporation produced in this case except that  
 18 individuals employed by Boston Scientific and The Regents may access such materials to the extent  
 19 permitted under the Second Stipulated Protective Order in the *Cordis* action and any revisions  
 20 thereof.

21       3.     Prior to the disclosure of any portions of the Pampinella expert report, any  
 22 supplemental report thereto, the Elsten expert report, and any supplemental report thereto,  
 23 designated as Confidential by Cordis to Qualified Persons defined in paragraph 5(f), the provisions  
 24 of paragraph 6 of the Stipulated Amended Protective Order shall apply. In addition, prior to the  
 25 disclosure of any portions of the Pampinella expert report, any supplemental report thereto, the  
 26 Elsten expert report, and any supplemental report thereto, designated as Confidential by Cordis to  
 27 Qualified Persons defined in paragraph 5(f), notice shall be provided to Cordis counsel, who will  
 28 have seven (7) business days to object in writing to the disclosure of Cordis Confidential

1 information to the particular person. If an objection is made by Cordis counsel, no Cordis  
2 Confidential information shall be made available to the particular person unless otherwise ordered  
3 by the Court pursuant to a motion filed by the party seeking disclosure of the Cordis information.

4       4. Until such time as this Addendum to the Stipulated Amended Protective Order has  
5 been entered by the Court, the parties agree that upon execution by the parties, it will be treated as  
6 though it had been "So Ordered."

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1 Respectfully submitted,  
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DATED: December 1, 2006

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14 DATED: December 1, 2006

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11 DATED: December 1, 2006

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 5, 2006

By:



The Honorable Richard Seeborg  
United States Magistrate Judge

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1                   **ATTESTATION OF SIGNATURE**

2                   **(N.D. Cal. General Order 45)**

3                   I, Gabrielle E. Bina, hereby attest that concurrence in the filing of the following document:

4                   **ADDENDUM TO STIPULATED AMENDED PROTECTIVE ORDER**

5                   has been obtained from all of the signatories.

6                   HELLER EHRLMAN LLP,

7                   DATED: December 1, 2006

8                   By: /S/ Gabrielle E. Bina

9                   Attorneys for Defendants/Counterclaimants and  
10                   Third Party Plaintiffs MICRO THERAPEUTICS,  
11                   INC., DENDRON GmbH, and ev3, INC.

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